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May 26, 2009

Via Hand Delivery and ECF Filing

Hon. R. Barclay Surrick
 U.S.D.C. for the Eastern District of Pennsylvania
 601 Market Street, Room 8614
 Philadelphia, PA 19106-1717

***Re: Myers et al. v. Jani-King of Philadelphia, Inc. et al., Case 2:09-cv-01738-RBS
Request for Stay of Briefing on Defendants' Motion to Dismiss***

Dear Judge Surrick:

I write on behalf of Plaintiff in the above-captioned matter to request a stay of the briefing in connection with Defendants' May 18, 2009 Motion to Dismiss [Dkt. No. 8].

Plaintiffs filed this case in the Philadelphia County Court of Common Pleas on March 20, 2009. Defendants filed a Notice of Removal under 28 U.S.C. § 1332(d)(2) on April 24, 2009 [Dkt. No. 1]. Plaintiffs filed a Motion to Remand this case to the Philadelphia County Court of Common Pleas under 28 U.S.C. § 1332(d)(3) on May 14, 2009 [Dkt. No. 6].

Plaintiffs respectfully ask this Court to stay all briefing deadlines relating to Defendants' Motion to Dismiss until the issue of remand is resolved because, if remand is granted, this Court will lack jurisdiction to rule upon Defendants' dispositive Motion. Plaintiffs' counsel have conferred with defense counsel on this matter, and have been advised that Defendants oppose this request. Plaintiff's opposition is presently due on June 15, 2009. Thank you for your attention to this matter.

Respectfully submitted,

 David J. Cohen

cc: All record counsel via ECF